

Acceptance of Required Public Rights-of-Way, Easements, and Infrastructure Improvements Checklist	
Project Name:	Map #:                  Group:                  Parcel #:
Contact Person:	PC File Number:

The Acceptance of Required Public Rights-of-Way, Easements, and Infrastructure Improvements checklist is designed to assist applicants with identifying the information that must be included on all Acceptance of Required Public Rights-of-Way, Easements, and Infrastructure Improvements applications. If you are unsure of any item listed on this checklist, please refer to the Zoning Ordinance or Subdivision Regulations for additional information about the requirements. If a checklist item does not apply to your application, please note in the box next to the item that it does not apply "N/A". Otherwise, please clearly mark each box in the checklist to indicate that the required information has been provided. **Late applications, or applications determined to be deficient or incomplete, will not be eligible to be placed on the Planning Commission agenda. Corrected application documents must be resubmitted to the Codes/Planning Department by the initial submittal deadline for the next regularly scheduled Planning Commission meeting.**

**The acceptance of public parks, transportation, utility, and drainage infrastructure, rights-of-way and easements can not be considered until four (4) years after the Final Plat has been recorded, or until 80 percent (80%) of the lots are fully developed, whichever is the shorter period of time.**

- ☐ Submit completed Planning Commission Application Form, completed checklist
- ☐ Submit nine (9) copies of recorded plat
- ☐ Submit a signed Quitclaim Deed for the public infrastructure being accepted by the City of Gallatin
- ☐ Submit a copy of the Offers of Irrevocable Dedication for the subdivision
- ☐ Submit an as-built survey of the public infrastructure to be accepted or a certification letter from a registered land surveyor certifying that the public infrastructure have been installed in accordance with the final plat and construction plans
- ☐ Submit a letter addressing the following required information:
  - ☐ Provide a list of the name and linear footage of each street being accepted.
  - ☐ Indicate the plat book and page number and date of recording of the final plat
  - ☐ Indicate the total number of lots in the subdivision and the number of lots that are fully developed
- ☐ A maintenance bond (10 percent of the original amount of the Subdivision Bond) must be submitted to the Planning Division upon approval of the Acceptance Resolution by City Council. The Subdivision Performance Bond must remain in effect until the Acceptance Resolution has been approved by City Council **and** the required maintenance bond has been submitted.

### **3-105    Acceptance of Required Public Rights-of-way, Easements and Infrastructure Improvements**

- 3-105.1    Timeline for Acceptance – The acceptance of public parks, transportation, utility, and drainage infrastructure, rights-of-way and easements will not be considered until four (4) years after the Final Plat has been recorded, or until 80 percent (80%) of the lots are fully developed, whichever is the shorter period of time.
- 3-105.2    Temporary Improvements – The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain them to the reasonable satisfaction of the Chief Enforcing Officer for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the appropriate government entity a separate suitable Bond for temporary facilities, which shall insure that the temporary facilities will be properly constructed, maintained, and removed. The improvements may otherwise be included in an approved Performance Bond.
- 3-105.3    Cost of Improvements – All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the City, County, or any utility district, as agreed to in writing by that entity, shall be stipulated clearly in the provisions of the Bond.
- 3-105.4    Failure to Complete Improvements – For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City thereupon may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. If a developer requests an extension of a performance bond, at which time the performance bond cannot be extended any further as in accordance with Section 3-101.1 of these Regulations, the City can hold all building permits and call the bond to cover the costs of all necessary improvements.
- 3-105.5    Acceptance of Dedication Offers – Acceptance of formal Offers of Dedication of public parks, transportation, utility, and drainage infrastructure, rights-of-way and easements shall be by formal action of the City Council or Sumner County Highway Commission, as appropriate. Such action shall be in the form of a resolution recommended by the Planning Commission to the Sumner County Highway Commission or to the City Council. Final action shall be by the Sumner County Highway Commission or City Council, as appropriate. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City or County of any public parks, transportation, utility, and drainage infrastructure, rights-of-way and easements shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect. Additionally, the developer of such subdivision is bound to the City for all improvements, regardless of Bond status, until formal acceptance has been granted by either the City Council or Sumner County Commission. See Section 2-105 of these Regulations for Final Plat acceptance conditions.
- 3-105.6    Inspection of Improvements – The Planning Commission may provide for inspection of required improvements during construction and insure their satisfactory completion. If the Chief Enforcing Officer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the applicable City of Gallatin construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever a Performance Bond covers the cost of improvements, the applicant and the bonding company shall be liable, separately and jointly, for completing said improvements according to specifications.
- 3-105.7    Certificate of Satisfactory Completion – The City Council or the Sumner County Highway Commission will not accept the dedication of required improvements nor release Performance Bonds until the City or County Department responsible for the required improvements, as appropriate, states that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Planning Commission, through submittal of a detailed "as built" survey plat of the subdivision indicating location, dimensions, construction materials, and the other information required by the Planning Commission, and layout of the line and grade of all public improvements are in accordance with the approved Construction Plans for the subdivision. Upon such approval and recommendation, the governing body thereafter may accept the dedicated improvements in accordance with the procedure set forth in Section 1-113.107 and Section 3-105 of these Regulations. Easements shall also be obtained in accordance with Section 2-106.8 of these Regulations.
- 3-105.8    Dereliction of Improvements – Corrective maintenance required under provisions of the Maintenance Bond shall conform to the following procedure:
- All necessary repairs required by the City or County Department responsible for the improvements during the period of time in which the Bond(s) is in effect shall be at the expense of the Developer and shall be requested in writing by the City or County Department responsible for the required improvements. Should such requested repairs not be completed by the Developer within a reasonable specified time, such work shall be subcontracted or performed by the City or County Department responsible for the required improvements, with the cost of same being charged against the outstanding Maintenance Bond.
- 3-105.9    Deferral or Waiver of Required Improvements – The Planning Commission may defer or waive, at the time of Final Plat approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare or which are inappropriate because of inadequacy or lack of connecting facilities. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, or for other reasons, the developer shall either pay his share of the costs of the future improvements to the City or County, as appropriate, prior to signing of the Final Plat by the Planning Commission officials or post a Bond insuring completion of said improvements upon demand of the City or County.